

REMARKS

Claims 1-29 are currently pending in this application, as amended. Fig. 9 has been added to reflect steps of the method claims. The Brief Description of the Drawings section of the Specification has been amended to reference new Fig. 9. No new matter is added by the amendment to the Specification. Claims 10, 20 and 29 have been amended into proper Markush form. Accordingly, no new matter has been added.

Drawings

The Examiner has objected to the drawings under 37 C.F.R. § 1.83(a) because the drawings should show the program diagram of claims 11-21.

New Fig. 9 which diagrammatically depicts the steps of method claims 11-21 has been added. No new matter is added by the drawing which simply reflects the subject matter of the original claims and the original Specification at paragraph [0025], among other places.

Accordingly, Applicants respectfully submit that the objection to the drawings under 37 C.F.R. § 1.83(a) has been overcome and request that the objection to the drawings be withdrawn.

Claim Rejections Under 35 U.S.C. § 112

Claims 10, 20 and 29 have been rejected for being in improper Markush form.

Applicants have amended claims 10, 20 and 29 into a conventional Markush form, as suggested by the Examiner. Accordingly, it is respectfully requested that the rejection of claims 10, 20 and 29 under 35 U.S.C. § 112 be withdrawn.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1-29 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over “123 Free Solitaire (Golf)” and U.S. Patent No. 5,882,258 (“Kelly *at al.*,” hereinafter, “Kelly”).

Withdrawal of the rejections of claims 1-29 is respectfully requested in view of the foregoing amendments and for at least the following reasons.

Present Invention

The present invention is directed to an electronic card game playable in an amusement device having a display. The electronic card game includes an electronic deck of cards having a plurality of individual playing cards. Each of the individual playing cards has an associated face value. The game further includes a playing area within the display. A first layer of cards of the deck is disposed on the playing area and a second layer of cards of the deck is disposed on the playing area in overlying relationship to the first layer of cards. At least one card of the second layer of cards is partially covering at least three cards of the first layer of cards. The game also includes a shoe of cards configured to accept cards of the deck that have been selectively removed from the playing area by a player. The shoe is disposed proximate to or within the playing area. The game includes a set of rules dictating scoring of the electronic card game. The rules include selecting cards from the playing area that are not covered by other cards and that have a face value that is one face value higher or one face value lower than the face value of the last card showing in the shoe. Further, the rules include scoring points based upon a run of play where run of play is a duration of time when the player can selectively remove cards that are one face value higher or one face value lower than the face value of the last card in the shoe. The rules also include permitting a card in the first layer to become playable when all the cards of the second layer which were partially covering the card in the first layer have been removed, and allowing, in at least some instances, three or more cards in the first layer to become playable when one card of the second layer is removed.

The present invention is further directed to a method of playing an electronic card game as set forth above in an amusement device having a display in accordance with the set of rules.

In yet another aspect, the present invention is directed to an electronic game playable in an amusement device having a display where the game includes an electronic deck of game pieces having a plurality of individual game pieces. Each of the individual game pieces

has an associated face value and at least three of the game pieces have different face values. The game includes a playing area within the display. A first layer of game pieces of the deck are disposed on the playing area and the second layer of game pieces of the deck are disposed in the playing area in overlying relationship to the first layer of game pieces. At least one game piece of the second layer of game pieces partially covers at least three game pieces of the first layer of game pieces. The game also includes a shoe of game pieces configured to accept game pieces of the deck that have been selectively removed from the playing area by a player. The shoe is disposed proximate to or within the playing area. The game includes a set of rules which dictate scoring of the electronic game. The rules include selecting game pieces from the playing area that are not covered by other game pieces and that have a face value that is one face value higher or one face value lower than the face value of the last game piece showing in the shoe. The rules also include scoring points based upon a run of play where run of play is a duration of time when the player can selectively remove game pieces that are one face value higher or one face value lower than the face value of the last game piece in the shoe. Further, the rules include permitting the game piece in the first layer to become playable when all the game pieces of the second layer which were partially covering the game piece in the first layer have been removed, and allowing, in at least some instances, three or more game pieces in the first layer to become playable when one game piece of the second layer is removed.

The present invention is further directed to a method of playing an electronic game as set forth above in an amusement device having a display in accordance with the set of rules.

123 Free Solitaire (Golf)

123 Free Solitaire (Golf) discloses a reverse solitaire game wherein columns of (virtual) cards are dealt from a (virtual) deck and the remaining cards are left in a "stock" to draw from when there is no playable card in the columns of cards. See Appendix A, Fig. 1. The stock is left with the remaining cards face down prior to play. One card is dealt face up onto a "foundation." The foundation is a pile to which cards are played in a sequence. The foundation is able to receive cards from the columns of cards that are one face value less than or one face value greater than the card showing on the foundation.

A “tableau” (playing area) includes seven (7) columns initially having five cards each. The five cards in each column are layered one above the other. Only the top card (e.g., row 1) is available for play in each column. In each column, the top card (row 1) is in overlying relationship to a card in row 2, the cards in row 2 is in overlying relationship to a card in row 3, the card in row 3 is in is in overlying relationship to a card in row 4 and the card in row 4 is in overlying relationship to a card in row 5. The card in row 1 is *partially* covering the card in row 2, but is not at least partially covering three cards in row 2.

Kelly

Kelly discloses a solitaire game implemented in an amusement device (game unit 10) having a display and a processor. Game unit 10 implements a card game that is a “game of skill,” in which a predetermined goal, task, or objective for a game is accomplished in a skillful manner such that an outcome of the game is determined primarily by the amount of skill of the player. The greater the player’s skill, the closer or more easily a desired goal in the game can be reached by the player. Points associated with the predetermined goals or objectives are added to a game score such that a higher game score, on average, indicates a greater amount of skill by the player. For instance, patterns or other game moves can be recognized by a player using skill, or a displayed object can be skillfully aimed or directed using input devices 16 using dexterous skill involving hand-eye coordination. In one embodiment, Kelly discloses a prior art game (Super 11’s in Fig. 5) where a card in a second layer (e.g., 8 Diamonds) is at least partially covering two cards in a first layer (e.g., 3 Spades and 7 Hearts).

Claim 1

Claim 1 recites, *inter alia*:

(d) a second layer of cards of the deck being disposed on the playing area in overlying relationship to the first layer of cards, at least one card of the second layer of cards partially covering at least three cards of the first layer of cards;...

...

(iv) allowing, in at least some instances, three or more cards in the first layer to become playable when one card of the second layer is removed.

123 Free Solitaire (Golf), or 123 Free Solitaire (Golf) modified by Kelly, each fails to disclose or suggest an electronic card game having a first layer of cards and a second layer of cards of a deck being disposed on the playing area in overlying relationship to the first layer of cards where at least one card of the second layer of cards partially covering at least three cards of the first layer of cards with rules allowing three or more cards in the first layer to become playable when one card of the second layer is removed.

At best, 123 Free Solitaire (Golf) discloses a solitaire game having a first layer (row 2), a second layer (row 1), a third layer (row 3), a fourth layer (row 4) and a fifth layer (row 5). The card in the second layer (row 1) is *partially* covering one card in the first layer (row 2), but is not at least partially covering three cards in the first layer (row 2). The columns are separated, so each card in the second layer (row 1) is covering only one respective card in the first layer (row 2).

Kelly fails to compensate for the deficiencies of 123 Free Solitaire (Golf). Kelly discloses a solitaire game implemented in an amusement device having a display and a processor. In one embodiment, Kelly discloses a prior art game (Super 11's in Fig. 5) where a card in a second layer (e.g., 8 Diamonds) is at least partially covering two cards in a first layer (e.g., 3 Spades and 7 Hearts).

However, there is no clear teaching in either 123 Free Solitaire (Golf) or Kelly of an electronic card game having a first layer of cards and a second layer of cards of the deck being disposed on the playing area in overlying relationship to the first layer of cards where at least one card of the second layer of cards partially covering at least three cards of the first layer of cards with rules allowing three or more cards in the first layer to become playable when one card of the second layer is removed.

To establish *prima facie* obviousness of a claimed invention, all the claimed limitations must be taught or suggested by the prior art. MPEP § 2143.03. Further, to support the conclusion that the claimed invention is directed to obvious subject matter, either the

reference must expressly or implicitly suggest the claimed invention or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to be obvious in light of the teachings of the references. MPEP § 2143.01.

Even if 123 Free Solitaire (Golf) were modified to include the wildcard of Kelly, the modified 123 Free Solitaire (Golf) game would still not disclose each and every element of claims 1 and 2-10. Thus, all of the claimed elements of claims 1 and 2-10 are not disclosed by the modified 123 Free Solitaire (Golf) game. Applicants therefore respectfully submit that claims 1 and 2-10 are not obvious under 35 U.S.C. § 103(a) in view of the combination of 123 Free Solitaire (Golf) and Kelly. Accordingly, Applicants respectfully request that the rejection of claims 1 and 2-10 under 35 U.S.C. § 103(a) be withdrawn.

Claim 11

Claim 11 recites, *inter alia*:

(b) placing a second layer of cards of the deck on the playing area in overlying relationship to the first layer of cards so that at least one card of the second layer of cards partially covers at least three cards of the first layer of cards;...

...
(iv) allowing, in at least some instances, three or more cards in the first layer to become playable when one card of the second layer is removed.

Similar to claim 1 above, 123 Free Solitaire (Golf), or 123 Free Solitaire (Golf) modified by Kelly, each fails to disclose or suggest playing an electronic card game having a first layer of cards and a second layer of cards of a deck being disposed on the playing area in overlying relationship to the first layer of cards where at least one card of the second layer of cards partially covering at least three cards of the first layer of cards with rules allowing three or more cards in the first layer to become playable when one card of the second layer is removed.

At best, 123 Free Solitaire (Golf) discloses a solitaire game having a first layer (row 2), a second layer (row 1), a third layer (row 3), a fourth layer (row 4) and a fifth layer (row 5). The card in the second layer (row 1) is partially covering one card in the first layer (row 2), but is

not at least partially covering three cards in the first layer (row 2). The columns are separated, so each card in the second layer (row 1) is covering only one respective card in the first layer (row 2).

Kelly fails to compensate for the deficiencies of 123 Free Solitaire (Golf). Kelly discloses a solitaire game implemented in an amusement device having a display and a processor. In one embodiment, Kelly discloses a prior art game (Super 11's in Fig. 5) where a card in a second layer (e.g., 8 Diamonds) is at least partially covering two cards in a first layer (e.g., 3 Spades and 7 Hearts).

However, there is no clear teaching in either 123 Free Solitaire (Golf) or Kelly of an electronic card game having a first layer of cards and a second layer of cards of the deck being disposed on the playing area in overlying relationship to the first layer of cards where at least one card of the second layer of cards partially covering at least three cards of the first layer of cards with rules allowing three or more cards in the first layer to become playable when one card of the second layer is removed.

Even if 123 Free Solitaire (Golf) were modified to include the wildcard of Kelly, the modified 123 Free Solitaire (Golf) game would still not disclose each and every element of claims 11 and 12-21. Thus, all of the claimed elements of claims 11 and 12-21 are not disclosed by the modified 123 Free Solitaire (Golf) game. Applicants therefore respectfully submit that claims 11 and 12-21 are not obvious under 35 U.S.C. § 103(a) in view of the combination of 123 Free Solitaire (Golf) and Kelly. Accordingly, Applicants respectfully request that the rejection of claims 11 and 12-21 under 35 U.S.C. § 103(a) be withdrawn.

Claim 22

Claim 22 recites, *inter alia*:

(d) a second layer of gamepieces of the deck being disposed on the playing area in overlying relationship to the first layer of gamepieces, at least one gamepiece of the second layer of gamepieces partially covering at least three gamepieces of the first layer of gamepieces;...

...

(iv) allowing, in at least some instances, three or more gamepieces in the first layer to become playable when one gamepiece of the second layer is removed.

Similar to claim 1 above, 123 Free Solitaire (Golf), or 123 Free Solitaire (Golf) modified by Kelly, each fails to disclose or suggest playing an electronic game having a first layer of gamepieces and a second layer of gamepieces of a deck being disposed on the playing area in overlying relationship to the first layer of gamepieces where at least one gamepiece of the second layer of gamepieces partially covering at least three gamepieces of the first layer of gamepieces with rules allowing three or more gamepieces in the first layer to become playable when one gamepiece of the second layer is removed.

At best, 123 Free Solitaire (Golf) discloses a solitaire game having a first layer (row 2), a second layer (row 1), a third layer (row 3), a fourth layer (row 4) and a fifth layer (row 5). The card in the second layer (row 1) is *partially* covering one card in the first layer (row 2), but is not at least partially covering three cards in the first layer (row 2). The columns are separated, so the each card in the second layer (row 1) is covering one respective card in the first layer (row 2). Kelly fails to compensate for the deficiencies of 123 Free Solitaire (Golf).

Kelly discloses a solitaire game implemented in an amusement device having a display and a processor. In one embodiment, Kelly discloses a prior art game (Super 22's in Fig. 5) where a card in a second layer (e.g., 8 Diamonds) is at least partially covering two cards in a first layer (e.g., 3 Spades and 7 Hearts).

However, there is no clear teaching in either 123 Free Solitaire (Golf) or Kelly of an electronic game having a first layer of gamepieces and a second layer of gamepieces of the deck being disposed on the playing area in overlying relationship to the first layer of gamepieces where at least one gamepiece of the second layer of gamepieces partially covering at least three gamepieces of the first layer of gamepieces with rules allowing three or more gamepieces in the first layer to become playable when one gamepiece of the second layer is removed.

Even if 123 Free Solitaire (Golf) were modified to include the wildcard of Kelly, the modified 123 Free Solitaire (Golf) game would still not disclose each and every element of

claims 22 and 23-29. Thus, all of the claimed elements of claims 22 and 23-29 are not disclosed by the modified 123 Free Solitaire (Golf) game. Applicants therefore respectfully submit that claims 22 and 23-29 are not obvious under 35 U.S.C. § 103(a) in view of the combination of 123 Free Solitaire (Golf) and Kelly. Accordingly, Applicants respectfully request that the rejection of claims 22 and 23-29 under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

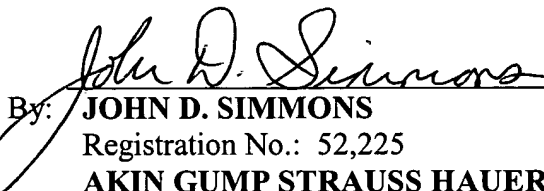
In view of the foregoing Amendments and Remarks, it is respectfully submitted that the present application, including claims 1-29, is in condition of allowance and such action is respectfully requested.

Respectfully submitted,

JEFF KARN *et al.*

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(Date)

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Amendments to the Drawings

The attached new sheet of drawings includes new Fig. 9 which diagrammatically depict the steps of method claims 11-21.

Attachment: New Drawing Sheet 9.

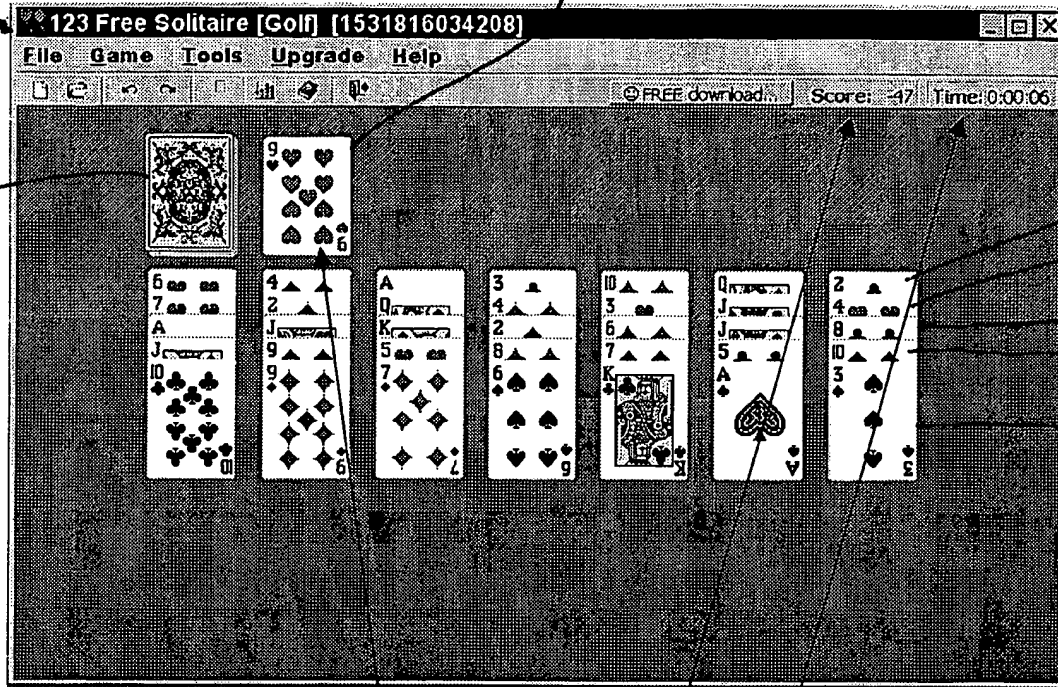
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FOUNDATION

STOCK

TABLEAU



ROW5

ROW4

ROW3

ROW2

ROW1

Figure 1

Shoe of cards area

Score and Time

COLUMNS

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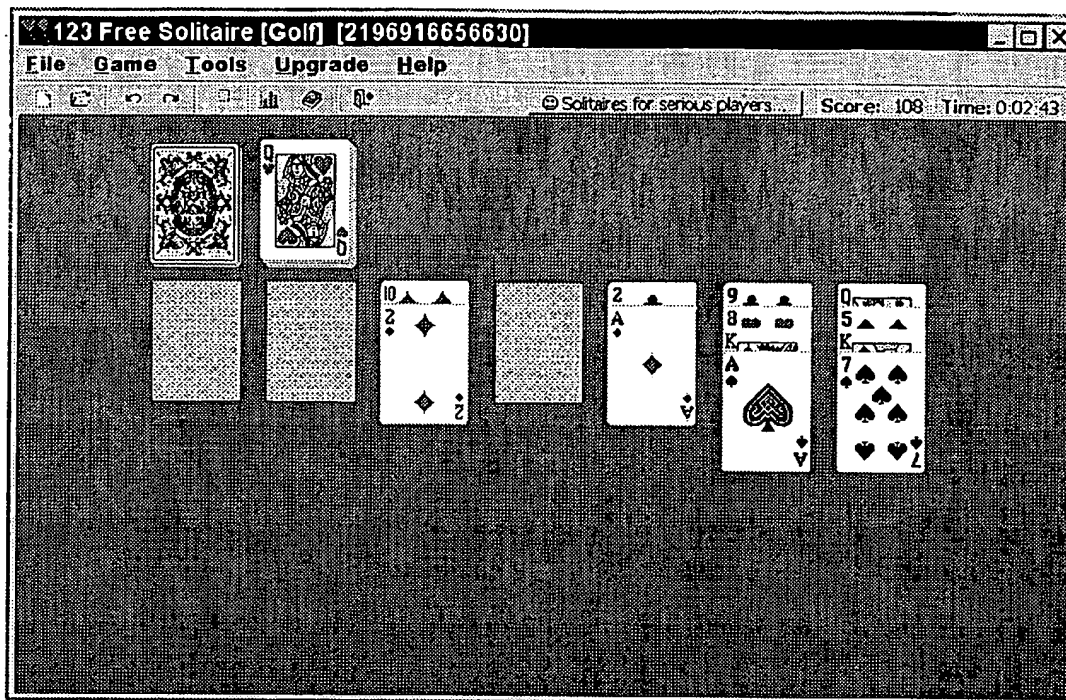


Figure 3

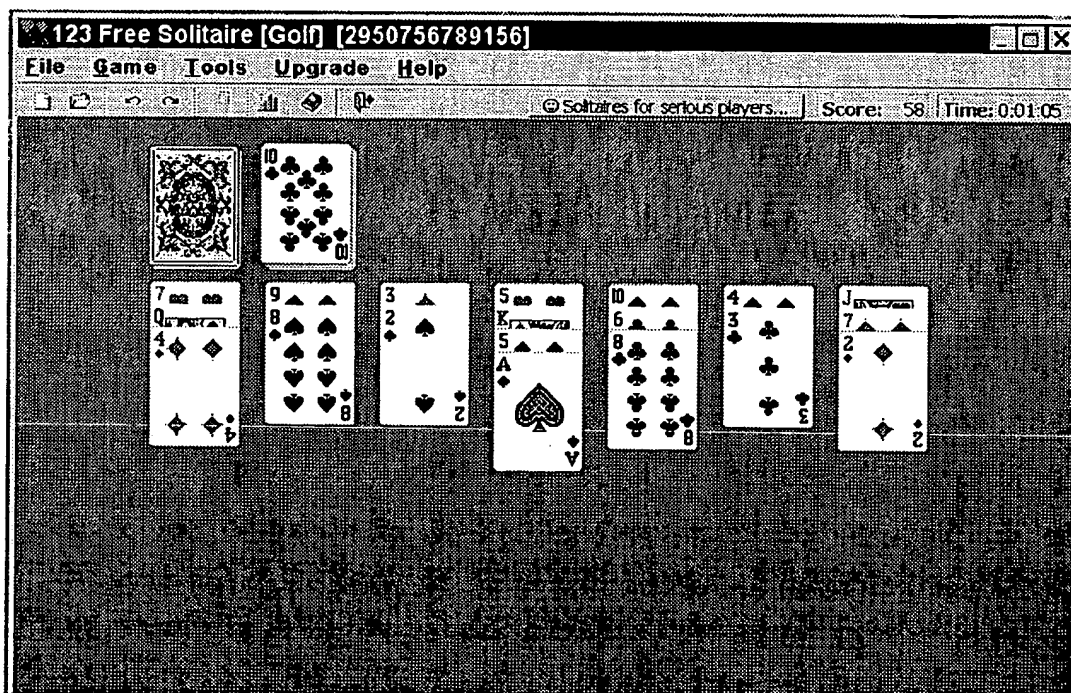


Figure 2

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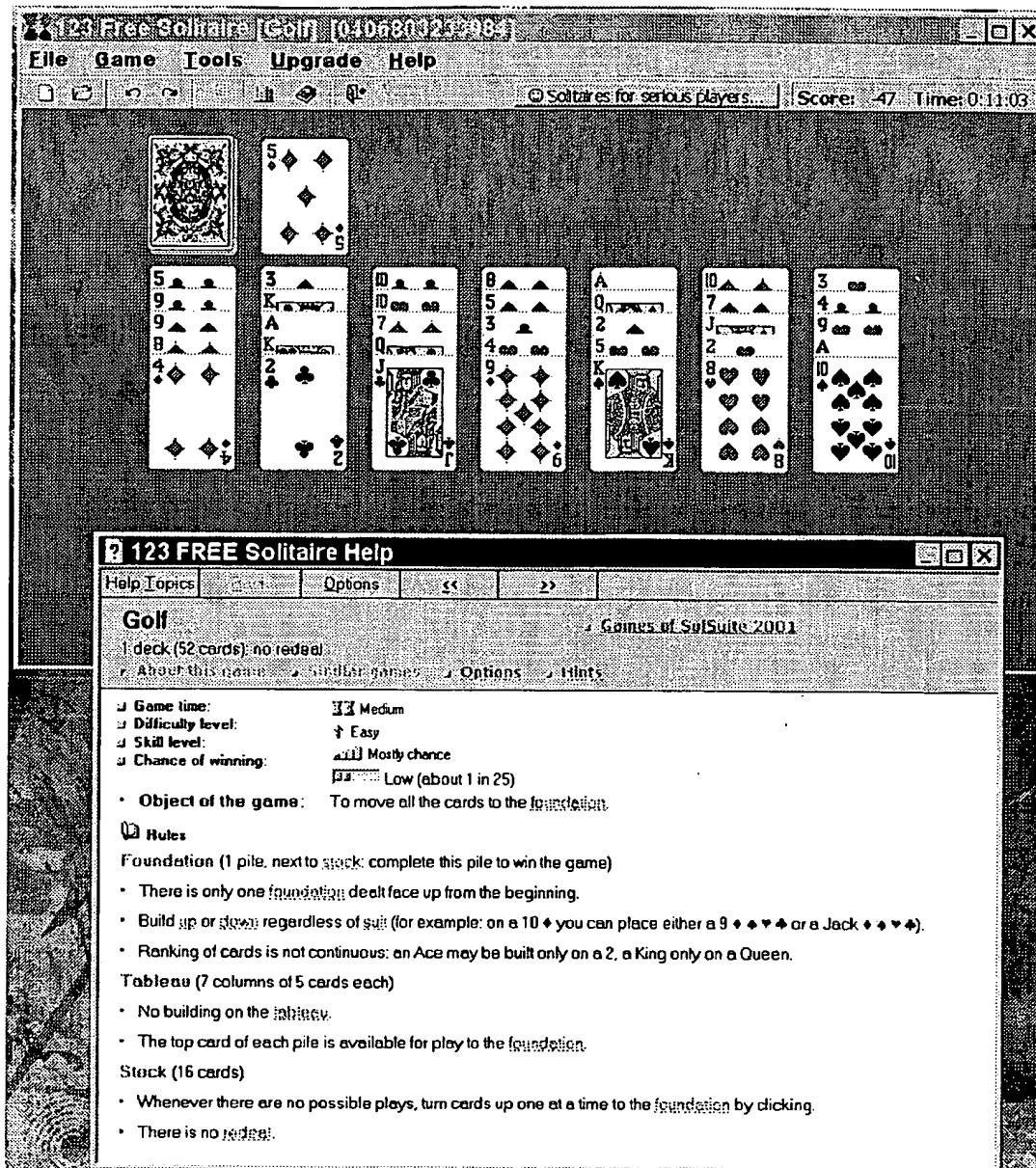


Figure 4

APPENDIX A

Title: Electronic Card Game and Method
App. No.: 10/663,029; Filed: September 15, 2003
Inventor: Jeff Karn, *et al*

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Figure 5

Golf

Simple games type; 1 deck (52 cards); no redeal

└ History └ Similar games └ Autoplay └ Tips └ Strategy

- └ **Game time:** 3 Quick
└ **Difficulty level:** 3 Easy
└ **Skill level:** 3 Mostly chance
└ **Chance of winning:** 3 Low; about 1 in 25; 4%
- **Object of the game:** To move all the cards to the foundation.

Rules

Foundation (1 pile, next to the stock: complete this pile to win the game)

- There is only one foundation dealt face up from the beginning.
- Build up or down regardless of suit (for example: on a 10 ♠ you can place either a 9 ♠ ♥ ♦ ♣ or a Jack ♠ ♥ ♦ ♣).
- Ranking of cards is not continuous: an Ace may be built only on a 2, a King only on a Queen.

Tableau (7 columns of 5 cards each)

- No building on the tableau.
- The top card of each pile is available for play to the foundation.

Stock (16 cards)

- Whenever there are no more possible plays, turn cards up one at a time to the foundation by clicking.
- There is no redeal.

tableau

The main area of play, consisting of rows or columns, where cards are re-ordered according to the rules of the game and become available for transfer to the foundations.

foundation

A pile to which cards are played in a certain sequence in order to complete the game. Foundations are usually built up in ascending suit sequence from Ace to King.

pile

A batch of cards dealt upon each other
and squared up in a compact heap.

stock

The portion of the deck that remains at the start of the game after the layout has been dealt. These cards are normally face down. Cards are dealt from the stock, usually one at a time, when no further moves are possible.

deck

A set of playing cards. A standard deck has 52 cards, 13 cards in each of the four suits. Also called a pack.